

REMARKS

This Response is submitted in reply to the Office Action dated June 25, 2010. Claims 1 to 3, 6, 7, 9, 10 to 15, 17 to 21, 24, 25, 27 to 29, 61, 62 and 64 to 68 have been amended for clarity. Claims 4; 5, 8, 16, 22, 23, 26, 30 to 60 and 63 were previously cancelled. Claims 10 to 12, 27 to 29 and 65 to 66 were previously withdrawn. A Petition for a One-Month Extension of Time is submitted herewith. Please debit Deposit Account No. 02-1818 for any costs associated with this Petition for an Extension of Time and this Response.

The Office Action rejected Claims 1 to 3, 6, 7, 9, 13 to 15, 17 to 21, 24, 25, 61, 67 and 68 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,077,163 to Walker et al. ("Walker") in view of U.S. Published Patent Application No. 2002/012337 to Shulman.

Walker discloses a method and apparatus for operating a gaming device having a flat rate play session costing a flat rate price. The flat rate play session of Walker spans multiple plays on the gaming device over a pre-established duration. The gaming device of Walker identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters. Once the player initiates play, the gaming device tracks the duration remaining in the flat rate play session and stops the play when the given period has elapsed.

Specifically, column 12, lines 22 to 60 of Walker discloses:

[t]he operation of the slot machine 102 during the flat rate play session will now be described with reference to FIG. 9 and continuing reference to FIGS. 1-7. During the flat rate play session, a slot machine 102 operates generally as described above with reference to FIG. 2. However, the slot machine 102 is reconfigured to operate according to the player selected price parameters, if such parameters affect play, and to operate continuously, without requiring payment between each play. Specifically, the flat rate play session begins when the player presses the starting controller 222 in step 910. The CPU 210 also initiates a countdown of the length of the flat rate play session as stored in the player selected parameters field 512 of the flat rate database 246. With the start of the session, the CPU 210 stores the start time of the flat rate play session in the flat rate database 246. Specifically, the start time is stored in the time audit data field 520 in step 912. In step 914, the CPU 210 begins to count down the duration of the flat rate play

session. Next, in step 916, the slot machine 102 generates an outcome and accesses payout table 228 to determine the appropriate corresponding number of coins to be paid out.

Furthermore, in step 918, after each outcome is generated, the slot machine 102 determines whether the countdown of the interval remaining 516 has reached zero. It is to be understood that the countdown may be implemented in either software or hardware. Additionally, it is understood that the countdown process discussed herein may be replaced with any suitable means for tracking the duration of the flat rate play session. Interval remaining 516 may also represent the number of handle pulls remaining.

In the event that the countdown has not reached zero, the player presses the starting controller 222 in step 920, thereby initiating another play of the slot machine 102. In the event that the countdown has reached zero, the CPU 210 generates a signal indicating that the flat rate play session has concluded. The slot machine 102 displays a message indicating this to the player and, in step 922, stores the end time of the session in the time audit data field 518 of the flat rate database.

Shulman discloses a computer assisted poker tournament where observers can view various virtual poker tables and decide if they want to participate at this table. Upon deciding to participate the observer pays an entry fee, is given a corresponding number of virtual playing chips, and then can bet these chips through the network. Now as a participant the network player can elect to withdraw from the tournament for any desired period of time and may re-enter any virtual tournament table that has openings in it. At a specified time the participant's total winnings are compared against those of other players to determine the tournament winner.

Specifically, paragraph [0017] of Shulman discloses:

[o]nce a decision is made to participate in the tournament the new entrant effects the entry fee payment by way of any generally known credit card or bank card debit and credit techniques. Having made such a payment the encryption code is then transferred or downloaded to the new tournament participant's data processing facility together with various identification codes and other security information. The new entrant is thus equipped to join any of one of the ongoing poker tables as vacancies occur. Alternatively, the new entrant may simply elect to wait until a vacancy occurs at the

table of his or her choice. Once at the table, this new entrant can now elect to suspend his or her participation at any time, collecting his winnings or losses to become an observer again.

The Office Action stated that Walker discloses:

receiving an identifier (player game identification information stored on player tracking card, cols. 4:45-49, 6:1-12) at a controller comprising a processor and a memory from said first gaming unit (CPU 210 and Memory 216 and 218 in Fig. 2A), wherein the identifier is associated with a game card (player tracking card, cols. 4:45-49), and wherein the game card is provided to the player in response to paying fee (Player tracking game card is associated with player paid credit information, cols. 3:36-39, 6:5-6);

...

determining a time duration the player may play in the game based on the identifier, if the identifier is determined to be authentic (flat rate, time session is determined, cols. 3:6-17, 6:36-55);

initializing a timer with the amount of time (in other words, the length of time of the flat rate play session is established and the CPU can initiates a countdown, Walker'163, cols. 5:5-14, 12:30-51, 13:5-55);

...

enabling the first gaming unit to play the game for the time duration if the identifier is determined to be authentic, thereby allowing the player to use the first gaming unit to play the game (cols. 2:3-27, 3:54-62);

stopping the timer after the timer has run for the determined amount of time duration (countdown reached zero, Walker'163, cols. 12:43-51) or when the player terminates play on said first gaming unit prior to expiration of the amount of time of said time duration (player terminates play to play the remaining interval at a later time, Walker'163, cols. 13:5-55);

receiving a score of the player (an outcome and the associated payout is received, col. 4:6-61);

determining a winning player of the game if any (col. 4:6-61); and

if the winning player of the game is determined, generating data indicative of a value payout to be awarded to the winning player (When the player wins, the machine stores the credits RAM 18 and

displays the current balance in the video display area, Col. 4120-26).

The Office Action acknowledged that Walker:

fails to teach the game is a tournament, wherein the tournament is in progress when the identifier is received, and the player plays in the time remaining the tournament in progress.

The Office Action turned to Shulman for these elements and concluded that:

it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 method of playing a game, and incorporate Shulman's method of playing in a tournament in progress for the time remaining in the tournament, in order to allow a player to participate in a tournament after the player has observed the game.

The Response to Arguments of the Office Action further stated:

Walker discloses a gaming unit is selected by player first configured for playing in a game (by loading and executing the gaming software to play the game, cols. 3:63-4:5), and after an identifier is received of the player (player tracking card, cols. 4:45-49, 6:1-12), and remaining playing time determined the gaming machine (determine the length of the remaining time of flat rate session, cols. 5:5-14, 12:30-51, 13:5-55), is enabled to allowing a player to play a time period (player is enabled to play for time period defined by the flat rate session, cols. 3:6-17, 6:36-55). Shulman discloses playing a tournament game in when the tournament is in progress (paragraph 12, 16-19 and 31), and allowing a player to use the gaming device to join the tournament in progress for a time period (The player can play in the tournament for time period, until the player leaves or until the tournament ends/time remaining in the tournament, paragraphs 12, 16-18, 31).

It appears that the Office Action is interpreting the player tracking card from Walker as the tournament game card of the method of independent Claim 1.

Applicant respectfully disagrees and submits that the tournament game card of the method of independent Claim 1 is a completely different component than the player tracking card of Walker.

Nonetheless, to expedite prosecution of the present application, Applicant has amended the method of independent Claim 1 to clarify that the player is identified in

association with a player tracking card which is distinct from the tournament game card. Applicant submits that the player tracking card of Walker cannot be properly interpreted as both the player tracking card of the method of amended independent Claim 1 and the tournament game card of the method of amended independent Claim 1. Accordingly, Walker does not anticipate identifying a player of a first gaming unit, the player identified in association with a player tracking card, and if the identified player selects to play in the tournament: receiving from the first gaming unit an identifier associated with a tournament game card, wherein the tournament is in progress when the identifier is received, the tournament game card is provided to the player in response to paying a fee and the tournament game card is distinct from the player tracking card, and if the identifier is determined to be authentic: determining a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier, and initializing a timer with the amount of time of the determined time duration.

It further appears that the Office Action is interpreting the outcomes and any associated payouts paid to the player during the flat rate play session of Walker as the tournament score of the method of independent Claim 1.

Applicant respectfully disagrees and submits that the tournament score of the method of independent Claim 1 is patentably different from the outcomes and associated payouts determined during the flat rate play session of Walker.

Nonetheless, to expedite prosecution of the present application, Applicant has amended the method of independent Claim 1 to clarify that for each play of a tournament game during the determined time duration, a tournament game outcome is determined and any award associated with the determined tournament game outcome is displayed to the identified player and that the determined tournament score being distinct from any displayed awards for the plays of the tournament game. Applicant submits that the outcomes and associated payouts determined during the flat rate play session of Walker cannot be properly interpreted as both the tournament game outcomes and associated awards of the method of amended independent Claim 1 and the tournament score of the method of amended independent Claim 1. Accordingly, Walker does not anticipate for each play of a tournament game during the determined

time duration: determining a tournament game outcome from a plurality of different tournament game outcomes, determining any award associated with the determined tournament game outcome, and displaying any determined award to the identified player, and determining and displaying a tournament score of the identified player, the determined tournament score being displayed in addition to any displayed awards for the plays of the tournament game.

Moreover, the Office Action appears to interpret the player obtaining a winning outcome associated with an award during the flat rate play session of Walker as determining a winning player of the method of independent Claim 1.

Applicant respectfully disagrees and submits that determining a winner of the tournament of the method of independent Claim 1 is patentably different from determining any winning outcomes and associated payouts during the flat rate play session of Walker.

Nonetheless, to expedite prosecution of the present application, Applicant has amended the method of independent Claim 1 to clarify that the identified player is determined a winning player of the tournament based on a comparison of the tournament score of the identified player to at least one tournament score of at least one different player. Applicant respectfully submits that Walker does not anticipate determining if the identified player is a winning player of the tournament, the determination based a comparison of the tournament score of the identified player to at least one tournament score of at least one different player, and if the identified player is the determined winning player of the tournament, determining a value payout to be awarded to the identified winning player.

Shulman does not cure these deficiencies of Walker.

While Shulman includes enabling a player to enter into an ongoing poker tournament, Shulman does not anticipate a tournament game card associated with an identifier, wherein the determined time duration the player may play in the time remaining in the tournament is based on the identifier associated with the tournament game card.

Accordingly, the gaming method of resulting from the combination of Walker and Shulman does not anticipate or render obvious (without the benefit of improper

hindsight reconstruction) identifying a player of a first gaming unit, the player identified in association with a player tracking card, enabling the identified player to select to play in a tournament, the tournament associated with tournament gaming software, and if the identified player selects to play in the tournament: receiving from the first gaming unit an identifier associated with a tournament game card, wherein the tournament is in progress when the identifier is received, the tournament game card is provided to the player in response to paying a fee and the tournament game card is distinct from the player tracking card, and if the identifier is determined to be authentic: determining a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier, initializing a timer with the amount of time of the determined time duration, starting the timer, for each play of a tournament game during the determined time duration: determining a tournament game outcome from a plurality of different tournament game outcomes, determining any award associated with the determined tournament game outcome, displaying any determined award to the identified player, stopping the timer after one of: the timer has run for the amount of time of the determined time duration, and when the identified player terminates play on the first gaming unit prior to expiration of the amount of time of the determined time duration, determining and displaying a tournament score of the identified player, the determined tournament score being displayed in addition to any displayed awards for the plays of the tournament game, determining if the identified player is a winning player of the tournament, the determination based a comparison of the tournament score of the identified player to at least one tournament score of at least one different player, and if the identified player is the determined winning player of the tournament, determining a value payout to be awarded to the identified winning player.

On the other hand, the gaming method of amended independent Claim 1 includes identifying a player of a first gaming unit, the player identified in association with a player tracking card, enabling the identified player to select to play in a tournament, the tournament associated with tournament gaming software, and if the identified player selects to play in the tournament: receiving from the first gaming unit an identifier associated with a tournament game card, wherein the tournament is in progress when the identifier is received, the tournament game card is provided to the

player in response to paying a fee and the tournament game card is distinct from the player tracking card, and if the identifier is determined to be authentic: determining a time duration the identified player may play in the time remaining in the tournament in progress, the determined time duration being based on the identifier, initializing a timer with the amount of time of the determined time duration, starting the timer, for each play of a tournament game during the determined time duration: determining a tournament game outcome from a plurality of different tournament game outcomes, determining any award associated with the determined tournament game outcome, displaying any determined award to the identified player, stopping the timer after one of: the timer has run for the amount of time of the determined time duration, and when the identified player terminates play on the first gaming unit prior to expiration of the amount of time of the determined time duration, determining and displaying a tournament score of the identified player, the determined tournament score being displayed in addition to any displayed awards for the plays of the tournament game, determining if the identified player is a winning player of the tournament, the determination based a comparison of the tournament score of the identified player to at least one tournament score of at least one different player, and if the identified player is the determined winning player of the tournament, determining a value payout to be awarded to the identified winning player.

For at least these reasons, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Walker and Shulman and in condition for allowance.

Claims 2, 3, 6, 7, 9, 13 to 15 and 17 to 20 depend directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 21, 61 and 67 each include certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to independent Claim 1, amended independent Claims 21, 61 and 67 (and dependent Claims 24, 25 and 68) are each patentably distinguished over Walker and Shulman and are in condition for allowance.

The Office Action rejected Claims 62 and 64 under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Shulman and further in view of U.S. Published Patent Application No. 2002/0013173 to Walker et al. ("Walker II").

Walker II discloses receiving a player identifier, transmitting the player identifier to a central server, receiving data corresponding to the player identifier from the central server, and configuring play of a casino game based on the data.

The Office Action stated:

it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the method of playing a tournament game as suggested by the combination of Walker'163 and Shulman, and incorporate Walker'173's method of configuring a gaming machine, in order to allow users play a tournament game using any gaming machine within the casino.

Applicant respectfully submits that regardless of whether or not it would have been obvious to modify Walker and Shulman with Walker II as suggested by the Office Action, as described above, the combination of Walker and Shulman does not anticipate identifying a player of a first device, the player identified in association with a player tracking card, receiving, from the identified player who has selected the first device to play in a tournament between multiple players, a tournament identifier associated with a tournament game card , wherein the tournament is in progress when the first device is selected by the player for playing the tournament and the tournament game card is distinct from the player tracking card, determining based on the tournament identifier and the time that the tournament identifier is received whether to enable the player to join the tournament, determining, based on the tournament identifier, a tournament duration indicative of a time duration that the player may play in the tournament in the time remaining in the tournament when it is determined to enable the player to join the tournament, and if the first device is not configured for playing the tournament when the first device is selected by the player for playing the tournament and it is determined to enable the player to join the tournament based on the tournament identifier, configuring the first device to join the tournament, enabling the first device to join the tournament for tournament play by the player for the determined tournament duration, wherein each play of a tournament game played for the determined tournament duration includes:

determining a tournament game outcome from a plurality of different tournament game outcomes, determining any award associated with the determined tournament game outcome, displaying any determined award to the identified player, and upon a conclusion of the tournament: determining and displaying a tournament score of the identified player, the determined tournament score being displayed in addition to any displayed awards for the plays of the tournament game, determining if the identified player is a winning player of the tournament, the determination based a comparison of the tournament score of the identified player to at least one tournament score of at least one different player, and if the identified player is the determined winning player of the tournament, determining a value payout to be awarded to the identified winning player.

Walker II does not cure these deficiencies of Walker and Shulman.

Accordingly, unlike the computer-implemented method for enabling a player to join a tournament in progress using a device of amended independent Claim 62, the combination of Walker, Shulman and Walker II does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) identifying a player of a first device, the player identified in association with a player tracking card, receiving, from the identified player who has selected the first device to play in a tournament between multiple players, a tournament identifier associated with a tournament game card, wherein the tournament is in progress when the first device is selected by the player for playing the tournament and the tournament game card is distinct from the player tracking card, determining based on the tournament identifier and the time that the tournament identifier is received whether to enable the player to join the tournament, determining, based on the tournament identifier, a tournament duration indicative of a time duration that the player may play in the tournament in the time remaining in the tournament when it is determined to enable the player to join the tournament, and if the first device is not configured for playing the tournament when the first device is selected by the player for playing the tournament and it is determined to enable the player to join the tournament based on the tournament identifier, configuring the first device to join the tournament, enabling the first device to join the tournament for tournament play by the player for the determined tournament duration, wherein each play of a tournament game played for the determined tournament duration includes: determining a

tournament game outcome from a plurality of different tournament game outcomes, determining any award associated with the determined tournament game outcome, displaying any determined award to the identified player, and upon a conclusion of the tournament: determining and displaying a tournament score of the identified player, the determined tournament score being displayed in addition to any displayed awards for the plays of the tournament game, determining if the identified player is a winning player of the tournament, the determination based a comparison of the tournament score of the identified player to at least one tournament score of at least one different player, and if the identified player is the determined winning player of the tournament, determining a value payout to be awarded to the identified winning player.

For at least these reasons, Applicant respectfully submits that amended independent Claim 62 is patentably distinguished over Walker, Shulman and Walker II and in condition for allowance.

Claim 64 depends directly from amended independent Claim 62 and are also allowable for the reasons given with respect to amended independent Claim 62 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L Gates LLP

BY 
Adam H. Masia
Reg. No. 35,602
Customer No. 29159
(312) 807-4284

Dated: October 25, 2010